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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT SEATTLE

8                   BRIANNA GARZA, et al.,

9                   Plaintiffs,

10                  v.

11                  AMERICAN FAMILY INSURANCE  
12                  COMPANY,

13                  Defendant.

C21-1234 TSZ

MINUTE ORDER

14                  The following Minute Order is made by direction of the Court, the Honorable  
15                  Thomas S. Zilly, United States District Judge:

16                  (1) Plaintiffs' motion to remand, docket no. 14, is GRANTED. The removed  
17                  crossclaim, docket no. 1-2, is a part of the underlying civil action, *Garzas v. Perry*,  
18                  No. 19-2-03262-31, that Plaintiffs initiated in the Snohomish County Superior Court.  
19                  The Court concludes that the removed crossclaim is not a separate action. Further,  
20                  Defendant continues to litigate the underlying action in state court, recently filing a notice  
21                  of appeal in state appellate court. Ex. 1 to Sullivan Decl. (docket no. 21). “[A] district  
22                  court, when determining whether it has original jurisdiction over a civil action, should  
23                  evaluate whether that action could have been brought originally in federal court.” *Home  
Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743, 1748 (2019). The Court does not have  
original jurisdiction over the underlying action as Plaintiffs could not have filed their  
complaint in federal court. *See* 28 U.S.C. § 1332. Plaintiffs and Defendant Perry are  
citizens of Washington. Ex. 1 to Sullivan Decl. at ¶¶ 1.1–1.3 (docket no. 15-1). Without  
diversity of citizenship, the Court lacks jurisdiction over the underlying action.

24                  (2) This matter is REMANDED to the Snohomish County Superior Court,  
25                  effective fourteen (14) days from the date of this Minute Order. The Court declines to  
26                  award any attorney fees or costs incurred as a result of the removal of this action.

1                     (3) The Clerk is directed to send a copy of this Minute Order to all counsel of  
2 record.

3                     Dated this 19th day of November, 2021.

4                     Ravi Subramanian  
5                     Clerk

6                     s/Gail Glass  
7                     Deputy Clerk